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December 7, 2023

Via ECF

Hon. Valerie E. Caproni, U.S.D.J.
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

**Re: Plaintiffs Letter Request for Adjournment of Conference Scheduled
December 8, 2023, to another date:**

Zhang et al. v. New Beijing Wok, Inc. et al, 17-cv-07465-VEC

9465

Your Honor,

We represent the Plaintiffs in the above referenced matter. We write with the consent of the defendants pursuant to Your Honors Order dated December 4, 2023, stating that the parties will have a conference in the above referenced matter on December 8, 2023, in person. *See* Dkt. No. 106. Plaintiffs respectfully request for an adjournment of the scheduled conference to a date that plaintiff has stated later in his paper. This is plaintiff's first request and granting such request will not prejudice any party in the above referenced matter.

Plaintiff seeks an adjournment of the conference scheduled tomorrow due to the fact that the attorney that was supposed to take the conference, Aaron Schweitzer, has run into a conflict. Currently Attorney Schweitzer is engaged in a trial in the Eastern District Court in front of Honorable Judge Orelia E. Merchant, 1:20-cv-03667 *Cui et al v. D Prime Inc*. The trial was set to end today but from Attorney Schweitzer's understanding, it looks as the trial will be going into the next day for the parties are not done yet. As a result of this, Attorney Schweitzer is no longer available tomorrow to go to Your Honors conference. Plaintiffs would like Attorney Schweitzer in attendance at the conference for Mr. Schweitzer is the one who knows best about the information at hand that Your Honor would like to discuss with the parties at the conference tomorrow.

In addition to Mr. Schweitzer not being available, plaintiff now have one less attorney at the firm for the day, and with this plaintiff now run into a scheduling conflict with Your Honors conference and other pre-scheduled committed things. Currently, plaintiff has a scheduled deposition in another matter, 1:20-cv-05484 *Yuan et al v. AA Forest Inc et al*, that is set to start at 09:00 am. With the deposition set to begin at 09:00 am, plaintiff does not have anyone to send to Your Honors conference scheduled at 10:00 am on the same day.

Plaintiff has conferred to the defendants via email and the parties are available the following dates:

**December 21, 2023, in the afternoon; and
December 22, 2023, in the afternoon**

All the dates that plaintiff has suggested, plaintiff are only available *via* telephone for plaintiff has other prescheduled commitments throughout the days they have stated but Mr. Schweitzer can take some time away from those commitments to take Your Honors conference. In addition, plaintiff cannot propose any other dates for Attorney Schweitzer is set to appear in two separate trials in the next two weeks. Between December 11 to December 14, 2023, attorney Schweitzer is set to appear in the Northern District of New York Court for 1:19-cv-00873 *Li v. Spa Nail 9 Inc et al*; and between December 18 to December 20, 2023, Attorney Schweitzer is set to appear in the Middle District of Pennsylvania District Court for 4:21-cv-01203 *Xue et al v. John's Shanghai LLC et al*. Defendants do not consent to a conference by telephone.

For the reasons stated above, plaintiff respectfully requests for the court to adjourn the conference scheduled for December 8, 2023, to a date that the parties have set out above. We thank the court for their time and consideration and apologize for the last-minute filing of this adjournment letter.

Respectfully Submitted,

/s/ John Troy
John Troy

JT/gd

Application GRANTED IN PART. The status conference scheduled for Friday, December 8, 2023, at 10:00 A.M. is adjourned to **Thursday, December 21, 2023, at 2:00 P.M.**

The conference will be held **in person** in Courtroom 443 of the Thurgood Marshall Courthouse, 40 Foley Square, New York, New York, 10007. At least one attorney familiar with the matter must attend in person on behalf of the Plaintiff and Ms. Siu. The Court will deny any motions to attend the conference remotely or to change the date and time of the conference unless the request includes a mutually agreeable date and time on which both attorneys can appear in person.

SO ORDERED.



12/7/2023

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE